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November 21, 1995

VIA FACSIMILE

Kathleen J. Root, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: Metcoa Site Draft EE/CA Administrative Record

Dear Kathleen:

Thank you for forwarding the index to Region III's administrative record yesterday. The Generator Defendant Group is disappointed that preparers of the draft EE/CA did not consider all documents identified in my October 6 letter and that Region III excluded several items from the record. Moreover, the Group is surprised that the index does not include any item identifiable as the TCLP analyses reportedly obtained by Region III this summer.^{1/} It was the Group's understanding that these data provide the basis of the agency's assumption that all excavated soils would constitute mixed wastes. Consultants to the Group cannot meaningfully review the draft EE/CA and assess

^{1/} It appears that item 42 could possibly be a geostatistical analysis of relevance to these TCLP data, although the reference to "soil cadmium concentrations" as opposed to leachate levels suggests otherwise. Similarly, item 49 dated the day after release of the draft EE/CA reflects some sampling or analysis of soils, but neither its date nor its summary description suggest that it contains the TCLP data from the early summer. In any case, the Group requests copies of these items 42 and 49.

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Region III's identification and comparison of potential removal actions without first having the opportunity to review and understand these results.

At least three prior requests to United States representatives for the TCLP data have been made on behalf of the Generator Defendant Group -- at the meeting in Philadelphia at which the fact of this sampling was first disclosed, in followup calls to that meeting, and in further followup after the September 8 status conference. Please forward complete information on this sampling and TCLP analysis to my attention on behalf of the Group as soon as possible.

Thank you in advance for your assistance.

Very truly yours,

Laura B. Ahearn

Laura B. Ahearn, Esq.

cc: Members of the Generator Defendants Group
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Richard Kapuscinski, Ph.D.
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